

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. Cancelled
2. (previously presented) The isolated nucleic acid sequence of claim 4, which originates from grapevine (*Vitis vinifera*).
3. Cancelled
4. (Amended herein) An isolated nucleic acid ~~having a sequence identity of at least 40% to a~~ nucleic acid having sequence:

~~ACTTTTCGAG CCGCTTGAAC TGGAAATTAA TAGATTTTCG ACTTGACTT~~
~~TGAAAAGGAG GCAATCCGAC GGGAGGGAAG CTGCTACCAA CCTTCGTAAT~~
~~GTTAATGAAA TCAAAGTCAG TCAATGTCCG AATTTCAAAC CTCANCAAG~~
~~CAATAGCCAA -T (consisting of the sequence SEQ ID NO: 1),~~

and which conveys an ozone-inducible gene expression, or
 which is a derivative, or

an allelic variant of the isolated nucleic acid sequence:

~~ACTTTTCGAG CCGCTTGAAC TGGAAATTAA TAGATTTTCG ACTTGACTT~~
~~TGAAAAGGAG GCAATCCGAC GGGAGGGAAG CTGCTACCAA CCTTCGTAAT~~
~~GTTAATGAAA TCAAAGTCAG TCAATGTCCG AATTTCAAAC CTCANCAAG~~
~~CAATAGCCAA -T (SEQ ID NO: 1),~~

which differs from said sequence by naturally occurring or artificially introduced variations and
 which conveys ozone-inducible gene expression.

5-44 Cancelled

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 9/24/03